

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2596 OF 2006

Kaumidini K. Dave .....Petitioner  
V/s.  
Bank of Baroda & Anr. ....Respondents

Mr.R.S. Pai with Mr.Arun Mehta i/b Akshar Laws for  
the Petitioner.

Mr.S.M. Talsania, Senior Advocate with Mr.Sanjay  
Udeshi i/b Sanjay Udeshi & Co. for Respondent No.1.

**CORAM : F.I. REBELLO &**  
**R.M. SAVANT, JJ.**  
**DATED : 23RD APRIL, 2007.**

**P.C. :**

1. The Petitioner is the widow of one Kishore M. Dave. Kishore Dave while in service of the Respondents, was chargesheeted and the punishment came to be imposed by way of major penalty of reduction from job of Grade-III to official Grade-II by an order dated 3.6.1993.

2. The same was challenged before this Court in Writ Petition No.1773 of 1995. A learned Bench of this Court by an order dated 26.9.2001, was pleased to set-aside the order of the disciplinary authority and consequential orders. The learned Bench found that in

the instant case the disciplinary authority has disagreed with the findings of the enquiry officer but did not gave an opportunity to the charged employee. In the Petition, the reliefs sought by the Petitioner that he should be posted to the original grade of Scale III and considered for further promotion.

3. The Petitioner retired in the year 1996. The learned Division Bench only allowed the prayer for setting aside the punishment. No other relief as prayed for by the Petitioner was granted. The learned Division Bench may have taken into consideration the fact that in the meantime the Petitioner had retired by way of superannuation otherwise normally the matter ought to have relegated back to the disciplinary authority to recommence the proceedings from the stage whether the enquiry was found to be defective.

4. By the present Petition, the Petitioner contends that the Petitioner was in the category of scale IV with effect from 20.7.1999 and he ought to have received the terminal benefits on that count. When the Petitioner himself was alive, he has not claimed under Scale IV but had claimed in the highest scale of Grade-III. That has been granted to him. In the light of that, we find that no case is made out

for our interference in the exercise of our extra-ordinary jurisdiction.

5.           However, if the husband of the Petitioner was entitled to any legal dues in Grade-III which have not been paid, the Petitioner may make a representation to the Respondents, that will be considered and disposed of by the Respondents not later than eight weeks from the receipt of the representation.

6.           According to the learned counsel for the Respondents, according to the Petitioner herself whatever she was entitled to under Grade-III, has already been received.

7.           With the above observations, the Writ Petition is accordingly disposed of.

(R.M. SAVANT, J.)

(F.I. REBELLO, J.)